

Attorney Or Party Without Attorney (Name and Address) FRANK A. BOTTINI, ESQ. (175783) JOHNSON BOTTINI, LLP 655 West Broadway, Suite 1400 San Diego, California 92101-3301		Filed: 06/10/2008 Page 1 of 3
Attorneys for: PLAINTIFFS		Ref. No. Or Fee No. W2495376
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
Plaintiff: MARY E. BARBOUR, etc., et al.		
Defendant: GREGORY L. REYES, et al. (BROCADE)		
POS BY MAIL	Hearing Date:	Case Number: CV 08 2029 JSW

At the time of service I was at least 18 years of age and not a party to this action.

On April 25, 2008, I served the within:

(1) VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT; (2) CIVIL CASE COVER SHEET (3) NOTICE OF RELATED CASES; (4) CERTIFICATE OF INTERESTED ENTITIES OR PERSONS; AND (5) SUMMONS. (6) ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES.

on the defendant in the within action by placing a true copy in a sealed envelope with postage fully prepaid for first class in the United States mail at San Francisco, California, addressed as follows:

JOHN W. GERDELMAN
 3025 Kitchums Close
 Williamsburg, Virginia 23185-7527

Person serving:

Scott Simons
Wheels of Justice, Inc.
 657 Mission Street, Suite 502
 San Francisco, California 94105
 Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 542
 (3) County: San Francisco

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 25, 2008

Signature: _____

Scott Simons
 Scott Simons



Attorney Or Party Without Attorney (Use and Attach Only)		Case 3:08-cv-02029-CRB Document 13 Filed 06/10/2008 Page 2 of 3	
FRANK A. BOTTINI, ESQ. (175783) JOHNSON BOTTINI, LLP 655 West Broadway, Suite 1400 San Diego, California 92101-3301		(619) 230-0063 Ref. No. Or File No. W2495376	
Attorneys for: PLAINTIFFS Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff: MARY E. BARBOUR, etc., et al.			
Defendant: GREGORY L. REYES, et al. (BROCADE)			
PROOF OF SERVICE	Date:	Time:	Case Number: CV 08 2029 JSW

I, Deborah Biggers, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned over the age of eighteen, and not a party to the within action;

I served the: (1) VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT; (2) CIVIL CASE COVER SHEET (3) NOTICE OF RELATED CASES; (4) CERTIFICATE OF INTERESTED ENTITIES OR PERSONS; AND (5) SUMMONS.(6) ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES.

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : JOHN W. GERDELMAN

By Serving : EMILY GERDELMAN, Family Member

Address : 3025 Kitchums Close, Williamsburg, Virginia 23185-7527

Date & Time : Thursday, April 24, 2008 @ 7:37 p.m.

Witness fees were : Not applicable.

Person serving:

Deborah Biggers

Wheels of Justice, Inc.

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.:

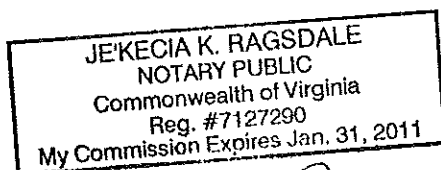
(3) County:

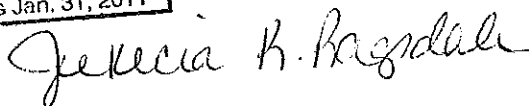
(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 25, 2008

Signature: 
Deborah Biggers





Clear Form

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, John W. Gerdelman, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of Barbour v. Reyes et al.,
(CAPTION OF ACTION)
which is case number CV-08-2029-JSW in the United States District Court
(DOCKET NUMBER)
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

May 2, 2008

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States,

5/13/08
(DATE)

Jonathan E. Richman
(SIGNATURE)

Printed/Typed Name: Jonathan E. Richman

As Attorney of Brocade Communications
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

or any such further time as the court might grant.

with permission from John Gerdelman to sign